

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DIANE ROSETSKY	:	CIVIL ACTION
	:	
v.	:	
	:	
NATIONAL BOARD OF MEDICAL	:	
EXAMINERS OF THE UNITED STATES:	:	
OF AMERICA	:	NO. 07-3167

ORDER

AND NOW, this 19th day of November, 2007, upon consideration of plaintiff Diane Rosetsky's motion to compel depositions (docket entry #11), defendant's response, and this Court finding:

(a) On September 7, 2007, we ordered that discovery would last until November 16, 2007;

(b) On November 8, 2007, plaintiff's counsel sent to opposing counsel notice for five depositions all scheduled for November 15, 2007 each to last about two-hours and run continuously from 9:00 a.m. to 7:00 p.m., Def.'s Resp. in Opp. to Mot. for Ext. of Time to Complete Disc., Ex. A;

(c) On the same day, defendant's counsel responded with a letter explaining that she was not available that day and requesting plaintiff's counsel suggest alternative date as soon as possible so she could check availability of the potential deponents, id., Ex. B;

(d) On November 14, 2007, plaintiff filed a motion to extend discovery, which was denied on November 15, 2007;

(e) On November 16, 2007, plaintiff filed the present motion to compel depositions;

(f) Plaintiff's counsel presents no explanation for

why he noticed depositions so late in the ample time we allotted for discovery;

(g) Counsel hotly debate whether either side made appropriate attempts to coordinate scheduling of there depositions; regardless of whether coordination was attempted, a week's time is not reasonable notice for five depositions;

It is hereby ORDERED that plaintiff's motion to compel is DENIED.

BY THE COURT:

/s/ Stewart Dalzell, J.